

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  P & E PROPERTIES, INC.,  Plaintiff,  -against-  UNITED NATURAL FOODS, INC. and MILLBROOK DISTRIBUTION SERVICES INC.,  Defendants.  ----- x	: : 08 Civ. 00553 (MGC)(DCF) : <b>JOINT RULE 26(f) REPORT AND PROPOSED DISCOVERY PLAN</b> : ECF CASE : : x
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**JOINT RULE 26(f) REPORT AND PROPOSED DISCOVERY PLAN**

Pursuant to Fed. R. Civ. P. 26(f), counsel for all parties in this action conferred by teleconference on March 17, 2008 to discuss the matters enumerated in Rule 26(f). This report is submitted by the undersigned counsel pursuant to Rule 26(f).

**(1) *Disclosure under Fed. R. Civ. P. 26(a)(1):***

The parties hereby stipulate and agree that mandatory initial disclosures under Fed. R. Civ. P. 26(a)(1) shall be served on or before March 21, 2008.

**(2) *Discovery Plan:***

Subject to this Court's approval, the parties propose the following discovery deadlines:

- (a) Additional parties may be joined on or before May 16, 2008.
- (b) Depositions shall begin no earlier than June 2, 2008.
- (c) Amendments to the pleadings shall be made on or before August 15, 2008.
- (d) All dispositive motions other than motions for summary judgment shall be filed on or before August 15, 2008.
- (e) All discovery shall be completed on or before October 24, 2008. Fact discovery shall be completed on or before September 19, 2008, and expert discovery shall be completed thereafter and until the October 24, 2008 discovery deadline.

**(3) *Changes in limitations on discovery:***

No party proposes any change in the limitations on discovery set forth in the Federal Rules of Civil Procedure.

**(4) *Other Orders That Should be Entered by the Court Under Rule 26(c) or Rule 16(b):***

The parties are amenable to the entry of an appropriate protective order regarding confidentiality, to be negotiated between the parties and presented to the Court for approval.

Dated: New York, New York  
March 18, 2008

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